



State of Utah

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Addendum No. 2

Date: May 24, 2013

To: Design/Build/Operations/Maintenance/Finance Teams

From: John Harrington - Project Manager

Reference: Multiple Solar PV Facilities - University of Utah, Salt Lake Community College,
Utah Olympic Legacy Foundation, Utah Army National Guard
DFCM Project No. 1305530

Subject: **Addendum No. 2**

Pages Total Addendum 10 pages

Note: This Addendum shall be included as part of the Contract Documents. Items in this Addendum apply to all drawings and specification sections whether referenced or not involving the portion of the work added, deleted, modified, or otherwise addressed in the Addendum. Acknowledge receipt of this Addendum in the space provided on the Bid Form. Failure to do so may subject the Bidder to Disqualification.

2.1 SCHEDULE CHANGES: There are no Project Schedule changes.

2.2 GENERAL ITEMS:

2.2.1 Clarifications:

2.2.1.1 In lieu of the elimination of the Performance Bond, the following language is added to the example SLA/PPA: "In the event that Vendor, for any reason, without prior written authorization executed by the Site Owner, fails to initiate or diligently pursue the performance of the project on the project site, ceases activity on the project site and/or abandons the project for a period of at least 21 calendar days, the Site Owner shall have the right to issue a notice of default and confiscate any Vendor materials or improvements delivered, constructed or otherwise located on the site as liquidated damages. Such notice of default shall provide for a 21 calendar day period to cure, with said time period for the cure starting upon delivery of the notice of default provided to the Vendor at its last known address identified in the Power Purchase Agreement, and if the Vendor fails to commence the diligent and continual pursuit of the performance of the project on the project site within said 21 calendar day cure period, the Site Owner, at its sole discretion, may confiscate said materials or improvements,

cancel the PPA Agreement with Vendor, and/or select a new PPA provider. If the Site Owner confiscates said materials or improvements, the Site Owner shall be entitled to complete ownership and title thereof and the Site Owner may use or dispose of said materials or improvements for any purpose, including but not limited to the use by or transfer of ownership to another selected PPA provider. The liquidated damages referred to in this paragraph are: (a) to compensate the Site Owner for the damages for breach of this paragraph of the contract as well as the resulting delay of the project; (b) is provided for herein because actual damages cannot be readily ascertained at the time of execution of this Agreement; (c) is not a penalty; and (d) shall not prevent the Site Owner from maintaining Claims for other damages unrelated to the failure to perform under this paragraph, including but not limited to, costs to complete or remedy defective Work.”

- 2.2.1.2 The intent is to award the contracts related to this RFP to one proposer, but DFCM reserves the right to award contracts to multiple proposers. DFCM reserves the right to remove any site for any reason from the scope of work prior to execution of agreements with the selected proposer. DFCM reserves the right reject all proposals for any one or all of the sites.
- 2.2.1.3 The exhibits to RFP project # 1305530 cannot be warranted as correct. The information in the exhibits must be independently verified.
- 2.2.1.4 The PPA and contractual requirements that are provided for in this RFP may be modified by reviews with the Utah Attorney General's Office and/or legal counsel representing the particular site.
- 2.2.1.5 DFCM will pay all inspection costs.

2.2.2 Roof Racking Specifications: Vendors should consider the following with respect to racking systems for the SLCC/LAC, the UTNG Draper and University implementations:

- 2.2.2.1 Low profile ballasted racking systems, which have ballast trays or other parts with a relatively large surface area in direct contact with the roof, and creating possible water/debris dams and other maintenance challenges, are not acceptable.
- 2.2.2.2 Low profile racking systems, that are ballasted, or hybrid ballasted systems/attached to roof members, that allow for good water drainage and prevent build-up of debris around racking parts, are acceptable, provided the lower edge of the solar module is suspended => 12” above the roof surface, **UNLESS** the racking mechanism allows the solar modules to be tilted upright for roof maintenance purposes.
- 2.2.2.3 Regardless of this specification, final racking design and implementation approvals shall be at the discretion of DFCM and or the local permitting authority.

2.2.3 General RFP Questions/Answers

- 2.2.3.1 In Table 1, titled “Project Details for Each Agency,” (page 5 of the RFP), it states RMP incentive amounts paid during a term of five years for SLCC’s LAC, HPER-N and the Olympic Oval. However, the amounts provided are without interest.
- According to the Q&A for Rocky Mountain Power’s (RMP) 2013 grant program, it was stated: “Large non-residential incentives will be paid out in 5 installments with 6% interest earned. The first installment will be paid within 60 days of a completed inter-connection. The remaining installments will be paid annually for the next 4 years.”
 - In the same Q&A, RMP provided a formula to calculate compound interest for the five year term.
 - According to their calculation, each of the three grants will accrue more than \$100,000 in interest from RMP from 2013-2017.
- Question:** What will the interest be applied to if not these projects?
Answer: Any RMP payments for the USIP projects will be paid out in full to the vendor. At vendor’s discretion, the presumed interest can be added in the financial modeling. Please state clearly the assumptions made regarding these calculations in your offer.
- 2.2.3.2 **Question:** At the site visit, it was stated that the two University of Utah projects cannot be combined into one Special Purpose Entity and PPA. Especially given the economic realities of these projects, please state the owner’s reasons for splitting these two small projects into two legal and economic entities and whether this can be amended into one SPE/PPA.
Answer: The Marriott library project is funded by a Blue Sky grant. Rocky Mountain Power has stated clearly in the rules governing this grant, that the funds cannot be combined with USIP funds. RMP has also stated this in personal communication about these projects. Therefore, the two projects cannot be combined into one PPA.
- 2.2.3.3 **Question:** Please clarify the stated goal/understanding that the five projects in the RFP are to be bid as a collection and with a solar PPA as the preferred financial structure for the collection of projects. Does the RFP allow for a singular bid option (such as a cash purchase) for 1-2 of these projects from the collection of projects?
Answer: DFCM retains discretion to select more than one vendor for this umbrella RFP. Vendor is strongly advised to bid on all five projects. However, bids for a selection of individual projects will be accepted and considered.
- 2.2.3.4 **Question:** If yes, what would be the justification for breaking apart any of the five projects from the RFP?
Answer: It is possible that for selected individual projects, a vendor may find specific advantages and such projects may be a particularly good fit for them, economically and otherwise. Likewise, other projects may be an optimal match for a different vendor. In such a case, DFCM reserves the right to decide to award contracts to more than one vendor.

- 2.2.3.5 **Question:** If yes, how can bidders adequately prepare for this unofficial/informal added competition?
Answer: It is up to each vendor to ascertain how best to prepare their respective proposal.
- 2.2.3.6 **Question:** Our engineering analysis of the exhibits and suggested layouts have identified potential code violations and sundry roof obstacles that would result in an aggregate system size that is materially smaller than the 2.248MW called for in the RFP. Should respondents to this RFP bid specifically to the system sizes provided in the RFP regardless of this potential discrepancy?
Answer: The sizes and layouts in the RFP and its Exhibits, as stated, are approximate and for informational purposes only. Vendors should use their own judgment in the design and layout of the solar systems they are proposing. Vendor should submit a proposal that is code compliant, taking into consideration that smaller solar arrays under the USIP Program may result in lower incentive awards.
- 2.2.3.7 **Question:** How is the \$0.12/Watt overhead costs/review fees to be calculated?
Answer: There is a \$0.12 per Watt (DC) administration fee. Vendor is advised that this fee may or may not be considered as part of the system cost for IRS purposes. Additionally, please note that the nominal DFCM design review fees, at cost, and as set out and specified in the main RFP document, will now be absorbed into and funded through the \$0.12 per watt administration fee.
- 2.2.3.8 **Question:** On Page 9 under section D: What is meant by “module cleaning system” and how often? What is the expected frequency?
Answer: It is in the vendor’s interest to operate a system that can be cleaned periodically, therein minimizing generation losses due to fouling. The cleaning system is at vendor’s discretion, however, it is advised to ensure that there is access to water for the purpose of cleaning.

2.2.4 National Guard Draper Headquarters Building – Questions/Answers 12953 South Minuteman Drive (I-15 East Frontage Road ~100 East)

- 2.2.4.1 **Question:** For both the older roof sections to the east and the newer sections to the west, what is the age, condition, type, warranty and who is the warranty holder of the roof?
Answer: Two warranty documents exist. During a recent informal roof inspection, it was stated that the east roof has less than 15 years life left, and the west roof has more than 15 years life left.
- 2.2.4.2 **Question:** While we understand that there is \$780,000 in grant money available for this project, is this money tied to a system size of 800 kW?
Answer: No, while system size is certainly a significant consideration, the available funding is not directly tied to a specific size. Vendor is advised to optimize the utilization of available funding at its best discretion.
- 2.2.4.3 **Question:** What is the source of the grant money?
Answer: Federal funds – non-ARRA.

- 2.2.4.4 **Question:** When and under what terms will the grant money be paid?
Answer: The grant will be payable in its entirety upon completion, commissioning and mutual acceptance of the project.
- 2.2.4.5 **Question:** Please state the reasons for the owner's preference that the modules are invisible from the street on the west side of the building.
Answer: This is a military facility and it is necessary that the system be visually low profile and does not draw attention to the energy resource.
- 2.2.4.6 **Question:** In the RFP, it states that Figure 11 used a 10-15° tilt. Which is it: 10° or 15°? What is the preferred tilt angle for this project? (A difference of five degrees could change the kW size of the system.)
Answer: Module tilt angle and resulting system size and output is at the vendor's discretion.
- 2.2.4.7 **Question:** Is traditional concrete ballast an acceptable racking solution for this project providing it meets the structural requirements?
Answer: No. While there exists traditionally ballasted systems on the Draper roof, please see the roof racking specification/guidelines issued within this amendment.
- 2.2.4.8 **Question:** If the age of the roof is > 5-years-old, wouldn't it be highly advisable to replace the roof prior to adding a > \$1M solar energy generating system with a > 25 year lifespan on an old roof?
Answer: There is no intention to replace any roof parts at the Draper facility at this time.
- 2.2.4.9 **Question:** Please provide a full set of as-built plans for the building (electronic format is preferred). Please be sure to include the a) electrical one-line drawings; b) electrical panel schedules; c) site power plan; d) roof-level MEP plans; e) roof framing plans; f) and floor plans.
Answer: These plans are not available at this time. Vendor should use general assumptions, which may be subsequently confirmed following the vendor selection process.
- 2.2.4.10 **Question:** Please identify the preferred location for the data monitoring system to connect to the local network (i.e. the server room).
Answer: This information is not available at this time. Vendor should use general assumptions and facility management will provide further, reasonable guidance following vendor selection.

2.2.5 Salt Lake Community College LAC – Questions/Answers 4600 South Redwood Road (1700 West)

- 2.2.5.1 **Question:** At the site visit, we were told that SLCC will be accepting bids soon for a new roof membrane on the LAC. If the preferred racking solution is attached, can stand-offs be installed and sealed before the new roof membrane is installed?
Answer: Vendors may assume that stand-offs be installed and sealed before the new roof membrane is installed.

- 2.2.5.2 **Question:** If yes, who will bear the cost of the standoffs?
Answer: TBD – Currently unknown.
- 2.2.5.3 **Question:** If the answer to the above is the PPA, then *when* can we expect the cost adder for the standoffs?
Answer: August/September 2013, after responses have been received for the roofing RFP.
- 2.2.5.4 **Question:** Could you please provide a full set of as-built plans for the building (electronic format is preferred)? Please be sure to include the electrical one-line drawings, electrical panel schedules, site power plan, roof-level MEP plans, roof framing plans, and floor plans.
Answer: This information is not available at this time. Vendor should use general assumptions and facility management will provide further, reasonable guidance following vendor selection. Any documents that are available at this time are posted.
- 2.2.5.5 **Question:** Could you please identify the preferred location for the data monitoring system to connect to the local network (i.e. the server room).
Answer: Vendor should use general assumptions and facility management will provide further, reasonable guidance following vendor selection.

**2.2.6 Utah Olympic Oval – Questions/Answers
5664 South Cougar Lane (4800 West)**

- 2.2.6.1 **Question:** According to the Utah Olympic Legacy Foundation’s FY12 Annual Report, audited financials are available upon request. Accordingly, this is a formal request for the latest audited financials to be posted with the responses to these questions on May 24. According to the UOLF’s FY12 Annual Report, their net loss was \$8,334,876 and the balance of their endowment was \$64,096,260. What guarantees do we have of the foundation’s 20 year solvency? Kindly post a current credit report for the UOLF and/or Utah Olympic Oval by May 24? Please verify which entities would backstop the UOLF if they were to become insolvent (e.g. State of Utah, Salt Lake County, Summit County, etc.)? How will this backstop support be documented and assured?
Answer: Credit-granting information will be available after the RFP award. The successful proposer will have the opportunity to initiate credit granting analysis procedures specific to each of the projects, as would normally be the case.
- 2.2.6.2 **Question:** At the site visit, the Oval’s specifications with regards to the solar support structures were not clearly understood. Certain costs associated with the below structural added extras may not be eligible under IRS rules pertinent to the federal solar Investment Tax Credit (ITC) : Color – painted, galvanized, etc., Structural added extras – rain gutters, decking, LED lighting, etc. Please clarify the owner’s requirements per the items enumerated above, recognizing that each additional item further burdens the cost of the project and could have added consequences per IRS rules.
Answer: This information is not currently available. Please use general assumptions. **Answer:**

- 2.2.6.3 **Question:** At the site visit, we were shown only one of the facility's two meters. Please clarify the location of the other meter and which meter the owner prefers interconnection. Please also specify which meter number applies to which meter.
Answer: This information is not currently available. Please use general assumptions.
- 2.2.6.4 **Question:** At the site visit, various alternate sites were discussed. To eliminate *any and all* ambiguity, please clarify that the only site option available for this project is the south parking lot.
Answer: As stated in a recently issued amendment to the RFP, the South Parking Lot is the preferred location. Vendors may also submit proposals for alternate site solutions.
- 2.2.6.5 **Question:** Would you please confirm the ground snow load, basic wind speed and wind exposure category at the site?
Answer: Vendors should use general assumptions specific to the SLC region, and or consult with the local jurisdiction to obtain such data.
- 2.2.6.6 **Question:** Would you please confirm that canopy tip deflection shall not exceed L/90 (where "L" is the cantilever length) for wind or snow load, and shall not exceed L/60 for total load?
Answer: Vendors should use general assumptions specific to the SLC region, and or consult with other firms who have access to and expertise with such data.

2.2.7 Marriott Library – Questions/Answers 285 South 1500 East

- 2.2.7.1 **Question:** What is the age, condition, type, warranty and who is the warranty holder of the roof?
Answer: At present this information is not available.
- 2.2.7.2 **Question:** The layout in Figure 7 in the RFP for the Marriott Library, module spacing is very tight and it depicts the layout right to the edge of the building. Doesn't this layout distort the potential project size?
Answer: The exact, desired size of the solar array for the Marriott Library was not defined in the RFP. As stated, the sizes and layouts in the RFP, including the Exhibits, were approximate and for informational purpose only. Vendor should use their own best judgment and discretion in the design and layout of the solar systems. Vendor should submit a proposal that is code compliant.
- 2.2.7.3 **Question:** Building code requires a 10' parameter walkway around the solar arrays. Will this building code be required at the University of Utah?
Answer: Yes.
- 2.2.7.4 **Question:** There is an elaborate lightning protection system around the circumference of the penthouses. If any of the lightning rods or the rooftop cabling needs to be moved, who will bear the costs?
Answer: The vendor.

2.2.7.5 **Question:** Would you please provide a full set of as-built plans for the building (electronic format is preferred)? Please be sure to include a) the electrical one-line drawings; b) electrical panel schedules; c) site power plan; d) roof-level MEP plans; e) roof framing plans; f) and floor plans.

Answer: Any documents that are available at this time, are posted.

2.2.7.6 **Question:** Would you please identify the preferred location for the data monitoring system to connect to the local network (i.e. the server room).

Answer: Vendor should use general assumptions and facility management will provide further, reasonable guidance following vendor selection.

2.2.8 HPER-N - Questions/Answers 1850 East Central Campus Drive (450 South)

2.2.8.1 **Question:** What is the age, condition, type, warranty and who is the warranty holder of the roof?

Answer: At this time, this information is not available.

2.2.8.2 **Question:** Would you please provide a full set of as-built plans for the building (electronic format is preferred). Please be sure to include a) the electrical one-line drawings; b) electrical panel schedules; c) site power plan; d) roof-level MEP plans; e) roof framing plans; f) and floor plans.

Answer: Any documents that are available at this time, are posted.

2.2.8.3 **Question:** Would you please identify the preferred location for the data monitoring system to connect to the local network (i.e. the server room).

Answer: Vendor should use general assumptions and facility management will provide further, reasonable guidance following vendor selection.

2.2.8.4 **Question:** We would like to verify that the DFCM will not be awarding a contract at this time which is outside of the scope of work proposed in the RFP. (i.e. if you do not receive an acceptable PPA offer, will you organize a second RFP for these projects to move forward as a group or individually with a different financing structure)?

Answer: If acceptable offers cannot be procured under the current RFP with a PPA structure, the current RFP will default and a second RFP will be considered and subsequently issued.

2.2.8.5 **Question:** If an acceptable PPA agreement is not decided upon or awarded from the proposals received on June 7th, 2013 will there be a second round of proposals received outside of the PPA financing structure at a later date?

Answer: Not under the current RFP (see 2.2.8.4 answer).

2.2.8.6 **Question:** Can we use aluminum wire? Per section 3.6.E.4 of the general conditions this is not acceptable without director approval.

Answer: Aluminum wire will not be acceptable.

- 2.2.8.7 **Question:** Do we have to be licensed as a contractor in Utah prior to bidding as this is asked for in the cost proposal form?
Answer: Vendor must be a licensed contractor in the state of Utah in order to submit a proposal on this RFP and enter a contract and commence construction on the project(s).
- 2.2.8.8 **Question:** You have substantial completion listed by Dec. 30th of this year. I understand there is some urgency due to the Blue Sky award on one site but the other sites have a longer window. Given the unknowns at some of those sites is there a way change this requirement for all but the Blue Sky site?
Answer: Substantial completion by December 2013 is only applicable for those projects funded under the Blue Sky Program (Marriott Library only). The SLCC and Oval Projects must be installed 18 months following the RMP solar incentive award date of February 8, 2013.
- 2.2.8.9 **Question:** Could DFCM provide 15-minute interval data for the various sites? (To determine if any other schedule or rate tariff may be beneficial in combination with the addition of a solar system) Excel files would be best.
Answer: This information is not attainable within given time frame.
- 2.2.8.10 **Question:** What are the anticipated design review durations for the various entities? (i.e. after awarded, what amount of time will be needed for each entity to review final plan sets?)
Answer: DFCM - Estimated at 1 to 2 weeks, depending upon project complexity. University - The earliest turn-around time is approximately 7 business days. If resubmittals are required, then it will depend primarily upon the time necessary for engineering response, document modification, and resubmittal.
- 2.2.8.11 **Question:** What is the utility combined rate, or target rate for each site?
Answer: Draper \$0.072/kWh; SLCC \$0.075/kWh; Oval Schedule 6: \$0.068 / Schedule 8: \$0.068/kWh; U of U (Stadium substation) \$.0613/kWh
- 2.2.8.12 **Question:** The RFP docs omit information about the total funds available for the National Guard HQ site (blank cell in the table on Page 5 of the RFP). Could you please clarify the total funds available for this site? We verbally heard \$780K from a grant will be available and potentially another \$750K from another source. What is the total amount of funds that will be available for the National Guard HQ site that we should use in our PPA calculations?
Answer: Total available funds \$780,000, Federal non-ARRA source. No other funding assumed to be available.
- 2.2.8.13 **Question:** Could you please confirm the total amount of funds available for the Marriott Library? The RFP lists \$58.9K Blue Sky Grant, and we heard verbally at the site visits an additional \$35K of student funding will be available. Therefore, a total of \$93.9K is available for this site—is this correct?
Answer: Precise level of student funding is unknown. Blue Sky grant amount is correct.

- 2.2.8.14 **Question:** The RFP appears to have conflicting info about the requirement for Made in USA panels—could you please provide guidance and clarification?
Answer: Page 4 of RFP under Objectives bottom paragraph, and page 8 section B.1.2 both *require* USA Made and Page 15 of RFP under Section 13, first paragraph, states *strong preference but no mandate* for USA Made. Strong Preference is the correct position.